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# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## List of issues to be taken up in connection with the consideration of the initial report of the Sudan concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.41)

## I. GENERAL INFORMATION

### A. Status of implementation of the Covenant

1. The State party's core document (HRI/CORE/1/Add.99) recognizes the inadequacy of the Sudan's implementation of its obligations under the Covenant and explains this by saying that "the Sudan suffers from the problems caused by ... the external debt burden. It is therefore highly dependent on foreign assistance from international organizations and banking institutions to implement child protection programmes and the provisions of the International Bill of Human Rights." According to the State party "such assistance is negligible or often completely non-existent [and] constitutes an insurmountable obstacle to the implementation of human rights" (para. 22). Kindly explain whether, despite these obstacles, any progress has been achieved in the last five years. Please cite concrete examples and statistics.

2. Please state how many Sudanese citizens have sought refuge abroad in neighbouring countries. How does the Government explain this widespread phenomenon? What are the Government's efforts to facilitate possible return and resettlement in the Sudan?

3. Kindly provide statistics, disaggregated according to different foreign sources or States, concerning amounts of financial assistance received by the Sudan over the last five years and to what purpose that aid was directed and eventually allocated.

B. General legal framework within which human rights are protected

4. The United Nations Special Rapporteur on the question of torture described torture as a fairly extensive phenomenon in the Sudan. NGOs have reported that security forces in the Sudan continued to torture opponents in "ghost houses" where government opponents are held incommunicado with no supervision by the Sudan's courts or other independent authorities. In light of the indivisibility and interdependence of all human rights, the Committee is concerned as to how this situation affects the enjoyment of the rights set forth in the Covenant. Please comment.

5. NGOs also reported that the Government of the Sudan imputes civil law crimes to its political prisoners, thus allowing it to deny their status as political prisoners. The Sudan's Criminal Act permits punishment by whipping, torture, flogging, even amputation or worse. At one point the Government officially exempted 10 southern departments whose population is mostly non-Muslim from some provisions of the Criminal Act which is based mainly on shariah law. Please elaborate.

6. To what degree is the Sudanese judiciary independent of the executive branch of the Government, now that the Chief Justice is appointed by the President of the Republic, whilst before the 1989 military takeover the Chief Justice was elected by his peers from among sitting judges. Under the circumstances certain NGOs insist that the judiciary of the Sudan is under the influence of the National Islamic Front (NIF) and the National Congress (in 1998). Please discuss.

7. Sudan's Human Rights Advisory Council - a government body, of which the Solicitor General for Public Law is rapporteur - plays an active role in addressing human rights problems. The Advisory Council urged the Government to release political prisoners and urged the lifting of certain restrictions on women travelling outside the Sudan. But the Council's recommendations are not mandatory. Please report on the follow-up given to those recommendations.

8. What is the status of the Covenant in the Sudan's legal system which, according to its Constitution, is based on and inspired by shariah law? What happens when there are contradictions between the two?

C. Information and publicity concerning the rights covered by the Covenant

9. Please give examples of concrete measures taken to disseminate and propagate the instruction of human rights to government civil servants, members of security and "paramilitary" forces and, above all, the judiciary. Are human rights taught as a subject at secondary schools and universities?

## II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

### Article 1. The right of self-determination

10. Kindly explain whether the 1998 Constitution has finally entered the implementation stage. To what degree does the new Constitution affect the right to self-determination of the southern states? What parts of shariah law and provisions affect the southern Sudanese and what provisions are they exempted from? Kindly provide the Committee with a copy of the 1998 Constitution as well as of the 1997-1998 agreement between Khartoum and some elements of the opposition regarding the possibility of self-determination of the south, in light of President Bashir's declarations that he was willing to grant them self-determination. What has happened since?

### Article 2 (2). Non-discrimination

11. Please provide information on the plight of the Nuba minorities in central Sudan.

12. According to the United Nations Special Rapporteur on the situation of human rights in the Sudan, State party authorities frequently demolish Catholic centres of worship, thus depriving Christian believers of their communal centres for prayers. Has the State party changed these practices? What is the situation now?

13. Sudan's Arab population is about 40 per cent of the population, but Arabic is spoken by about 60 per cent of the population. Yet Arabic is considered the only official language even though there exist 575 tribes with 115 tribal languages of which 26 are spoken by more than 100,000 people. Secondary-level education in most parts of the State party is in Arabic and at the university level, all examinations - except those in the English language - are in Arabic. What is the State party's policies and intentions to stop this discrimination?

14. According to trustworthy sources of information the civil war in southern Sudan was due to the Sudanese Government's failure to accommodate the non-Arab southern region's demands for "political expression" and "economic development" on a par with the Arab north. Thus, the civil war appears to be an expression of the anger of the non-Arab south at the deprivation of their autonomy and their religious freedoms and at the north's exploitation of the southern economic assets of oil and irrigation waters. In addition, recent attempts have been made to impose the north's shariah law and to Arabize the non-Muslim south. What efforts has the Government made to address this situation and has there been any progress?

15. Some aspects of law and many traditional practices discriminate against non-Muslims. What does the Government intend to do to fulfil its obligations under the Covenant to prevent discrimination such as in the following instances:

(a) While non-Muslims may convert to Islam, the 1991 Criminal Act makes apostasy (which includes conversion to another religion) by Muslims punishable by death;

(b) Prison inmates of other than the Islamic faith are pressured by many tactics to convert to Islam to gain better treatment;

(c) Muslims may proselytize freely, but non-Muslims are formally forbidden to proselytize. Foreign missionaries and religiously oriented organizations continue to be harassed and their requests for work permits and residence visas are delayed. Even though the 1998 Constitution provides for "freedom of religion", it states that shariah law and "tradition" are the main sources of legislation;

(d) A Muslim man may adopt a child of any faith. A non-Muslim may adopt only a non-Muslim. Foundlings or children of unknown faiths are considered Muslims and can be adopted only by Muslims.

16. Kindly provide information on the treatment and status of foreign refugees and asylum-seekers in the Sudan. Can they become resident aliens or citizens? Are they allowed to work? How many foreign refugees and asylum-seekers are there?

Article 3. Equality between men and women

17. Discrimination on the basis of gender continues to exist in law and practice. Please provide clarification on the following instances:

(a) A daughter inherits half the share of a son (shariah law);

(b) A widow inherits even a smaller percentage (shariah law);

(c) It is much easier for men to initiate divorce proceedings than for women. These rules apply only for Muslim women. For women of other religious denominations, tribal or Christian rules apply;

(d) Although a Muslim man may marry a non-Muslim woman, a Muslim woman cannot marry a non-Muslim man unless he converts to Islam (shariah law);

(e) Muslim women cannot travel abroad without the permission of their husbands or male guardians;

(f) Women are under-represented in Government and politics. There is one woman minister in the Cabinet and only two female State ministers under the Minister of Social Planning - only 25 women are members of the National Assembly, which comprises 300 members.

18. There are credible reports that government forces seized and sold southern women to work as domestic workers in the north. Please comment.

## III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

### Article 6. Right to work

19. Please provide statistics on the numbers of the unemployed in the various departments or states of the Sudan, both in the formal and informal sectors of the economy. What percentage of the unemployed receive social security aid? How does the Government address the problem of unemployment? What results have been achieved?

20. In its "Individual Observations" the ILO Committee of Experts expressed its grave concern about reports regarding the continued existence of slavery and slavery-like practices, particularly in the south of the Sudan. The Committee drew attention to abductions and trafficking of women and children by the Government's Popular Defence Forces. Please provide an explanation as to reports that government troops forced 3,000 Ugandan children to become soldiers in the Lord's Resistance Army, which is said to be a Ugandan opposition group actively supported by Khartoum.

21. In 1996 the State party established a special Commission to investigate slavery and disappearances in the Sudan in response to a United Nations resolution adopted in 1995 by the General Assembly. Though still functioning, the Commission has yet to produce a public report. Please inform the Committee on the progress being made by the Commission.

### Article 7. The right to just and favourable conditions of work

22. In the early 1990s, the State party suspended all workers' rights established before the 1989 revolution. In 1996 rights for workers were restored, but safety standards and working conditions remain generally poor. Workers cannot protest or remove themselves from dangerous work situations for fear of arbitrary dismissal. What measures are being taken to improve the situation?

23. The Government in practice controls the process of setting wages and working conditions. Wages are set by a tripartite committee comprising representatives of the Government, labour and business. The Government has sweeping powers of intervention and arbitration in all important disputes. Kindly provide information on labour rights under these conditions.

24. The State party's report recognizes the fact that "some groups of workers fall outside the protection of the wages system in cases where private individual contracts are concluded between employee and employer" (para. 32). What steps are taken by the Government to ensure their fair treatment and their right to receive the statutory minimum wage? What is the status of domestic workers and how does the State party ensure their rights?

Article 8. Trade union rights

25. Please explain how a system of free collective bargaining can exist under the prevailing circumstances in the Sudan where the State has sweeping powers of arbitration and intervention to fix wages. How many strikes took place during the last five years?

26. According to reliable sources, labour union leaders were prosecuted and punished for their union activities in 1998. The Committee requests further clarification of these events.

27. Please provide statistics on the number and percentage of unionized workers within the last five years.

Article 9. The right to social security

28. Kindly provide statistics on the system of social security, pensions and dues. The Committee is interested to know not just whether such benefits exist but, more particularly, their relevance and adequacy in meeting the needs of the beneficiaries and the number of persons that are covered by the system. The State party's report fails to provide any statistical evidence. Kindly give statistics and concrete examples.

Article 10. The protection of the family, mothers and children

29. Domestic violence against women is widespread. According to information received by the Committee, displaced women from the south are particularly vulnerable to harassment, rape and sexual abuse. Kindly provide statistics on these problems in the Sudan during the last five years. What measures are taken or intended to be taken by the State party to alleviate these problems?

30. Given the situation of a 16-year ongoing civil war and armed conflict, please indicate what measures are being implemented by the State party to protect and assist the family, particularly mothers and children.

31. According to some reports, there exist as many as 4 million displaced persons out of a population of 27 million. What measures have been taken to provide displaced families with safe and decent shelter, social assistance, and education for children of school age?

32. According to reliable sources, the Government operates camps for "vagrant children" where they are detained for indefinite periods without any judicial proceedings. At these camps, health care and schooling are generally poor. Basic living conditions are often primitive. All the children at the camps, including non-Muslims, must study the Koran. There is pressure on non-Muslims to convert to Islam. Teenagers at the camp are often conscripted in to the PDF (Popular Defence Force), a militia in the service of the National Islamic Front's National Congress. Kindly provide further information on these "vagrant camps" for children. Why are these children detained in camps under poor living conditions, and why is their detention not subject to judicial proceedings?

Article 11. The right to an adequate standard of living

33. Please provide data on the number of people who are living below the poverty line, taking into account disparities between the north, south, east and west of the Sudan, as well as major cities. What are the measures taken by the Government to remedy the situation?

34. According to reliable sources, although public sector minimum monthly wages were increased many times to offset galloping inflation, the latter has far outstripped wage increases and consequently living standards have plummeted. Despite government subsidies for bread and sugar, many families cannot afford even the subsidized prices. Other sources of income, such as extra jobs in the parallel economy, have become necessary. Kindly provide statistics on the average incomes of different categories of government employees and private sector employees, against the background of inflation during the last five years.

35. Kindly discuss the housing situation in the Sudan with an eye to the problem of housing or shelter, given the greater number of displaced or homeless persons due to the civil war and its consequences. UNHCR estimated that there were approximately 380,000 refugees with 150,000 in camps and 230,000 scattered in and around urban areas throughout the country. What measures is the State party taking to alleviate the housing situation?

36. What are the Government's concrete measures, taken or planned, to make the best use of the United Nations relief funds for the Sudan? In 1998, the United Nations alone spent US$ 200 million on relief efforts in the Sudan, and various other agencies supplied 116,000 tons of food to famine-affected areas of the Sudan. In February 1999, the United Nations agencies launched an appeal for US$ 198.4 million to support relief efforts in the Sudan. What long-term plans has the Government adopted to combat the famine?

Article 12. The right to physical and mental health

37. Reports indicate that efforts are being made by a government agency, with funding from the United Nations, to eradicate the inhuman practice of female genital mutilation, because of its harmful effects on women and family life. According to those reports, a growing number of urban educated families are abandoning the practice completely. Kindly elaborate on this problem, citing statistics disaggregated by age group, geographic location and socio-economic standards.

38. In the 1990s many simple illnesses, although treatable, remain endemic as the simplest drugs are priced beyond the reach of the poor. The International Monetary Fund estimates that in 1996 only 46 per cent of the rural population had access to safe water. There was on the average 1 physician for every 11,290 persons. The World Bank estimates that life expectancy at birth was 54 years with infant mortality standing at 69 per 1,000. Malaria is reappearing and the Sudan accounts for an estimated 78 per cent of reported world cases of the Guinea Worm. Because of lack of prevention measures more than 100,000 people in the south of the country are affected every year, causing debilitation and chronic ill-health. Kindly describe the health situation using the latest statistical evidence. Has the situation improved during this time and what measures are being taken?

39. Please provide information on government expenditure on health services in real terms, as a percentage of the national budget (paras. 73-74 of the report).

Articles 13 and 14. The right to education

40. Please provide statistics concerning the percentages of government expenditure on education in relation to the national budget and GDP for the 10 years since the 1989 military takeover.

41. Under the present Government, the major change to the Sudan's education system has been the almost complete Arabization of the curriculum. In addition, most State-controlled schools since the 1989 military takeover have had more instruction in Islam included in the curriculum, a requirement which has hindered development of schools in non-Muslim communities. Please discuss the above, providing statistics about instruction in various subjects including Islam and Arabic, the numbers of schools and classrooms available in different ethnic and linguistic communities, and whether other languages are taught at government schools?

42. The Government is using secondary and higher education as a recruitment ground for the ruling party's military wing, the PDF. All students are now required to complete their service in PDF as a prerequisite for university enrolment. Those already at university must complete their service in PDF before they can receive their exam results. The net result has been a massive reduction in attendance. Please elaborate, explaining the policies and the reasoning behind such practices and their effects on education.

43. The Government officially requires that young men, typically of ages 17-19 must enter military service to be able to receive a certificate on leaving secondary school. Such a certificate is necessary for entry into a university. Please explain the reasons for this practice.

Article 15. The right to take part in cultural life and to participate in the benefits of scientific progress

44. Is there a ministry or other government institution responsible for cultural activities? What percentage of the national budget is spent on cultural centres, museums, libraries, theatres and theatrical groups, cinemas, music halls and musical activities? Kindly provide statistics.

45. What efforts have been made by the Government to promote participation in cultural life by the various ethnic groups and minorities? What efforts are made to help ethnic groups become aware of and preserve and secure their ethnic identity and cultural heritage?

46. How does the State party ensure the freedom of its citizens to seek and receive information on developments within the Sudan or outside its borders?

47. What is the jurisdiction and what are the objectives of the National Council for Press and Publications, which was created by the Government?

48. Radio and television are controlled directly by the Government and are required to reflect government and National Islamic Front (NIF) policies. Sudan television has a permanent military censor to ensure that the news reflects the Government's views. Kindly explain the Government's policies on information and communication.

49. What are the State party's policies on the admission and availability of foreign press, magazines, musical recordings and foreign works of art and literature? Are they available on the Sudanese market? What measure of censorship is imposed on their admission?

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